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ATTORNEY DOCKET No. 0756 C PCT Cont. US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Christoph RABER
Serial No. 10/040,771
Filed January 9, 2002
For MOTION TRANSMITTING APPARATUS
Primary Examiner Mr. Rodney H. BONCK
Art Unit 3681

PETITION UNDER TITLE 37 OF CFR 1.78(a)(3)

Hon. Commissioner for Patents
P.O.Box 1450
Alexandria, Virginia 22313-1450

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OFFICE OF PETITIONS

Sir:

This Petition is submitted in an attempt to satisfy the requirements in the paragraph entitled "Priority" on page 2 of the Official Action (Paper No. 8) dated July 9, 2003.

(1) Your petitioners believe that they have complied with the provision of 37 CFR 1.78(a)(3)(i). Please refer to page 2 of the Amendment dated May 27, 2003.

(2) The surcharge in the amount of \$1280.00 is enclosed herewith. This is believed to satisfy the provisions of 37 CFR 1.78(a)(3)(ii).

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(3) The entire delay between the date the claim for priority was due under 37 CFR 1.78(a)(2)(ii) and the date of this Petition was unintentional. Your petitioners sincerely believe that this statement satisfies the provisions of 37 CFR 1.78(3)(a)(iii) and that it is substantiated by the Primary Examiner's explanations on page 2 of Paper No. 8. Thus, the Primary Examiner observed that he was previously under the impression that a reference in the specification to the parent application in order to obtain the benefit of prior filing under 35 USC 120 "was the only thing lacking in applicant's priority claim". Such reference has been made on page 2 of the amendment dated May 27, 2003.

An amendment in response to all other passages of Paper No. 8 is enclosed herewith.

A favorable disposition at a reasonably early date is earnestly solicited.

Respectfully submitted,



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Dated: July 21, 2003
(By registered mail)
Enclosures:
(1) Check for \$1280.00
(2) Amendment
(3) Return post card

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